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## **POARCH BAND OF CREEK INDIANS**

- Location:** Between the cities of Poarch and Atmore, AL
- Area:** 1670 acres with four communities in southern Alabama and the western Florida panhandle
- Population:** 2100 tribal members, approximately 130 on reservation
- Activities:** Main uses in addition to residential uses include agriculture, governmental & administrative services, health services, mineral extraction, and other small industries and businesses.

Today, there are nearly 2,100 members of the Poarch Band of Creek Indians of which over 1,440 live in the vicinity of Poarch, Alabama. Poarch is located eight miles northwest of Atmore, Alabama, in rural Escambia County, 57 miles northeast of Mobile.

The Poarch Band of Creek Indians' Tribal reservation consists of approximately 400 acres of which the majority is located in or around Poarch, Alabama. A 1972 national study found that among all Creek descendants in the Southeast, only this group at Poarch was still considered an Indian Community: the Poarch Band of Creek Indians is a segment of the original Creek Nation that avoided removal and has lived together for nearly 150 years. Prior to the War of 1812, the Creek Nation suffered internal conflict that resulted in a division of the Tribe. This division resulted in an Upper party hostile to the United States against a group of Upper and Lower Creeks friendly to the Government. After a number of battles between the hostile Creeks, on March 27, 1814, at a place called Tohopeka or Horseshoe Bend, General Andrew Jackson's army defeated the hostile Creeks. Upon victory of the friendly Creek Party and their federal allies, Andrew Jackson arranged the Treaty of Ft. Jackson. The treaty played a major role in the outcome in the lives of the descendants of the Poarch Creek Indian members. It ceded an immense portion of both the Upper and Lower Creek lands (over 21,000,000 acres) to the United States for debts.

The Tribe is governed by a nine-member elected Tribal Council. Initial efforts, after federal recognition, were focused on development of the infrastructure necessary to access and support growth and development of Tribal Programs. By action of the Tribal Council on January 22, 1988, Creek Indian Enterprises (CIE) was established by the Tribal Council for the purpose of managing and implementing economic development needs of the Tribe.

## **POARCH PROJECT ACTIVITIES:**

### **Environmental Education**

Continue environmental education classes and presentation of scientific field demonstration projects that provide “hands on” participation in water quality assessment of Tribal surface waters and identify source of pollution and methods of abatement.

### **Nonpoint Source**

Nonpoint source pollution control demonstration project; reclamation of a historic gravel mining area including stream restoration and the creation of wetland riparian areas. Will conduct preconstruction and post construction water quality monitoring.

### **Water Pollution Control**

Continue monthly surface water quality ambient monitoring program of Tribal surface waters. Collect and analyze sampling data to locate and identify sources of agriculture and urban nonpoint.

### **Safe Drinking Water Act**

Technical Assistance associated with SDWA Compliance for Tribal Water Systems. GIS mapping of all Tribal Utilities water lines and integrated equipment.

### **Wetlands Protection**

Develop a Tribal Wetland Conservation Plan; ongoing wetlands identification, delineation, and GIS mapping for newly acquired Tribal land.

Implement Tribal Wetland Conservation Plan; ongoing wetlands identification, delineation, and mapping of newly acquired Tribal land.

Conduct watershed approach demonstration projects and assess and monitor the ecological integrity of Tribal wetlands; ongoing wetlands identification, delineation, and mapping of newly acquired Tribal land.

### **GIS Implementation on Tribal Lands**

Through assistance from EPA other federal agencies such as the Bureau of Indian Affairs and Indian Health Service, GIS mapping and cataloging of Tribal lands by Tribal staff will be implemented in order to identify environmental risks and manage environmental abatement programs more effectively.

### **Solid Waste Management Assistance Program**

Continue operation and management of Tribal Recycling Program and Recycling Center. Implement an educational program and public outreach to educate the Tribe and local community on ways to reduce waste streams and identify less toxic alternatives to products commonly used.

## **POARCH PROGRAM SUMMARY**

### **Air**

In compliance. There are no facilities on Tribal land that require a permit. Medical waste generated by the Tribal Health Department is collected by BFI of Alabama and incinerated by one of their facilities located in Mobile County, Alabama. Their facility is permitted by ADEM. During summer months, high levels of Ozone have been documented to be a reoccurring problem. Surrounding county warnings are monitored to assess the Ozone levels and advisories for individuals with respiratory problems. An indoor air Radon Pilot Project is scheduled to begin in 2000 with the testing of tribal housing and office buildings as well as tribal members' homes and public facilities off reservation.

### **Water Quality**

The Tribe has in the past and continues to receive Section 106 CWA Water Pollution Control grants to maintain a core surface water quality program. The water quality monitoring program has provided background data of tribal waters since 1992 and this data will assist in the development of water quality standards. A previous Section 319 NPS grant established a demonstration constructed wetland on the reservation for the removal of sediments and nutrients from agricultural drainage. Other grants such as a Section 104 Storm water, Environmental Justice Pollution Prevention, and Clean Lakes grants have also been granted to the Tribe for evaluation and protection of a quarry lake on reservation lands.

### **Drinking Water**

The Tribe purchases water from the Freemanville Community Water System in Escambia County, Alabama, and distributes it to Tribal customers using four distribution systems: Moniac subdivision/Recreation Facility, Red Oak subdivision, Rolling Hills subdivision, and Willow Creek subdivision/Tribal Facilities system. The Freemanville system is permitted by ADEM. EPA has provided assistance to the Tribe using the National Environmental Training Association via a HQ grant. These systems are monitored by the Tribe, as required, and analyses are performed by an outside certified laboratory. Future planning includes installation of a chlorine booster facility and water well for the Tribe's own water supply system. The Poarch have also requested an engineering and organizational study to determine the direction of future drinking water activities.

### **Underground Injection Control (UIC)**

There are no UIC wells on the reservation.

### **Groundwater**

The Poarch Band of Creek Indians currently buy their drinking water from the City of Freemanville, AL. The source for the Freemanville system is groundwater and EPA will work with them on establishing a Well Head Protection Program for each of the well sites.

### **NPDES**

There are no facilities on Tribal land that require a permit. The Tribe has three collection systems that convey the sewage to the City of Atmore Sewage Treatment Plant, located off reservation in Escambia County, Alabama, which is permitted by ADEM.

### **Underground Storage Tank (UST)**

The only two USTs on tribal land were removed and replaced with above-ground storage tanks (ASTs) during the period of December 1997 through January 1998.

### **Hazardous Waste**

There are no hazardous waste treatment, storage or disposal facilities (TSDFs) on Tribal lands, nor are there any identified hazardous waste generators.

### **Solid Waste**

The Poarch Band of Creek Indians completed a Solid Waste Management Plan in 1992. New Tribal Environmental Codes, which include provisions for solid waste, have been approved by the Tribal Council. An Environmental Protection Board has been recently elected and will oversee the Codes. This is a significant milestone, as the Codes will provide the authority for environmental enforcement on Tribal lands. There has never been a Subtitle D municipal solid waste landfill (MSWLF) on the Reservation. Solid waste is collected from five Tribal communities and from the governmental/administrative, social and health services, and maintenance offices by the Tribe. Medical wastes from the Tribal Clinic are collected by a contractor, as are solid wastes generated at two Tribal businesses. Collected solid waste is delivered to a State-permitted, county-owned MSWLF in Escambia County, Alabama. At present, several open dumps on the Reservation are being remediated through assistance provided by the Indian Health Service (IHS). Illegal dumping is addressed in the new Tribal Environmental Codes.

The Poarch Creek recycling program currently includes collection of office paper, cardboard, newspaper and aluminum cans. During FY-2000, the Tribe plans to purchase a second baler, expand its recycling drop-off facility, and develop preliminary plans for a future composting facility that will likely utilize yard wastes, agricultural and animal wastes, food wastes, and non-recyclable paper and cardboard. The Tribe also plans to continue with the expansion of marketing activities and with education efforts directed at the community and specifically targeting children.

### **CERCLA**

There are two sites on Tribal land which have been investigated under the CERCLA program: Atmore Aluminum, an aluminum smelter, and Mike Simpson Fertilizer Co., a commercial retailer of fertilizer and farm chemicals. The Atmore Aluminum site has been cleaned up (in conjunction with ADEM) and confirmatory sampling has been done, and according to an ADEM report, no further action is needed. That site is now the location of Commercial Tire Inc. which only stocks tires for distribution. A preliminary assessment, site assessment has been conducted at the Mike Simpson site; onsite sampling was performed through a Brownfields Pilot Project in 1998 with results showing some soil contamination. Excavation of the contaminated soil to a hazardous waste landfill will be

coordinated with ADEM. Currently the site is in use by Sunbelt Chemicals, Inc. and the Tribe for storage of materials and supplies.

### **Toxics**

The Tribe handles no PCBs. Sunbelt Chemicals Inc. is located on Tribal land and produces fertilizers and agricultural chemicals, and is permitted by ADEM.

### **NEPA**

NEPA documentation is done by the Tribal Environmental Director.

### **Pollution Prevention**

The Tribe is operating a recycling program and is separating waste streams at the waste collection sites. Paper, cardboard, and aluminum are collected from the tribal offices and from local businesses. Expansion of the recycling program is planned to include more businesses and local schools. Recyclables are transported in bulk to a recycling center in Mobile, Alabama.

### **Environmental Audit**

There has not been an outside audit performed. EPA Region 4's Regional Indian Program Coordinator visits the reservation annually to discuss environmental issues, tribal environmental capacity building and general grant assistance.

### **Problem Areas**

Tribal surface waters have been determined to be moderately to severely impaired. There are no known point sources of pollution. The primary cause of impairment is nonpoint source runoff from row crop agriculture and some from urban sources. The Tribe has established baseline data to determine the extent of impairment and to identify problem pollutants. This information is to be used to determine most cost effective BMPs and logistics of their application for pollution abatement. The Tribe will continue monitoring of water quality to determine the adequacy and effectiveness of the BMPs.

**Actions Needed:** None identified for immediate action. More enforcement capability has been achieved from the tribal Environmental Codes adopted by the tribal Council in 1999. Reduction in pollution and increased environmental quality are expected as the community becomes more aware of the codes. Outreach is expected to develop more initiative and concern within the community as they become better educated on how their actions affect the environment around them.

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## **MICCOSUKEE TRIBE OF INDIANS OF FLORIDA**

**Location:** Miami, FL

**Area:** ALLIGATOR ALLEY RESERVATION. This Federal Indian Reservation is located in western Broward County. It consists of 74,812.37 acres. Of this acreage, 40,000 acres are located in Water Conservation Area 3A, 15,000 acres are an adjacent water body, 8,000 acres are south of I-75, with the remainder north of I-75.

TAMIAMI TRAIL RESERVATION. This Federal property is located inside the northern boundary of Everglades National Park in western Dade County. It has been doubled in size to 666.6 acres due to the Miccosukee Reserved Area Act (PL 105-313) passed by Congress in 1998. It is now under the control of the Miccosukee Tribe and is exclusive federal jurisdiction. This is the main residential site for the Tribe. There are commercial activities at this location. In addition to this area, the Tribe has an additional 46.36 acres in Federal Indian Reservation lands adjacent to this reservation due to the Miccosukee Settlement Act of 1997 (PL 105-83) which is commercial and residential. There are also three parcels of Federal Indian Reservation located nearby this location at the S-12A and S-12B gate structures approximately 4.7 acres in size, known as the Southern Reservation which are commercial.

KROME AVENUE RESERVATION. This Federal Indian Reservation is located in western Dade County at the NW corner of the intersection of Krome Avenue and U.S. 41. It consists of 47 acres. This use is strictly commercial.

DADE CORNERS RESERVATION. This Federal Reservation is located in western Dade County at the SW corner of the intersection of Krome Avenue and U.S. 41. It consists of 0.92 acres and is strictly commercial in nature.

**Population:** The tribe has approximately 500 tribal members.

**Activities:** Main land uses are cattle grazing, automobile truck, deli, store stop, commercial, social and recreational uses.

The Miccosukees are one of two Native Americans living among the Florida

Everglades. When people identify Florida with Native Americans they usually think of the Seminole Tribe. The Miccosukee are and always have been a unique tribe with an identity and history of their own. The Seminole and Miccosukee ancestry can be tracked back to the Creek Indians who lived in Southern Alabama and Georgia around the 1700's.

In 1950, the Eisenhower Administration instituted a policy of termination status of Indians. Faced with the threat of termination, the Seminoles wrote a constitution and charter and voted to organize as the Seminole Tribe of Florida. In 1961 a portion of the tribe disengaged and formed bands that secluded themselves in the Everglades instead of settling on the reservations. The Bureau of Indian Affairs worked in coordination with this group in obtaining federal recognition as a tribe, separate and independent from the Seminole Tribe. In 1962, the Miccosukee Tribe of Indians of Florida was officially recognized by the federal government.



## **MICCOSUKEE PROJECT ACTIVITIES**

Implement the Miccosukee Environmental Protection Agency (MEPA). The environmental specialist will assist MEPA in its implementation along with Tribal Counsel. The tribe will develop and refine tribal capacity to assume and/or administer these EPA Programs: 1) Section 404 permitting; 2) NPDES; 3) Section 319; 4) Water Quality Standards; 5) 401 Water Quality Certification; 6) Pesticides and; 7) Solid Waste Programs. After Tribal Capacity has been attained, the tribe will decide whether to assume EPA Programs.

The tribe will develop Tribal Programs to assist EPA in the Drinking Water and Underground Storage Tank Programs. The Tribe will develop tribal capacity through the development of Tribal codes/regulations. The Tribe will submit applications for Treatment as State for those programs which the Tribe wants to assume.

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## **MICCOSUKEE PROGRAM SUMMARY**

### **Air**

There is a petroleum storage/terminal in Broward County on tribal lands. Currently, the facility is being run by Calumet Florida. This area is not a non-attainment area. The main source of air pollution comes from vehicles.

### **Drinking Water**

The Tribe owns and operates a water system that serves the residents of the Tamiami Trail Reservation, a total of approximately 130 homes and the tribal administrative complex. The Tribe also owns the water system serving the Miccosukee Service Center complex along I-75 on the Alligator Alley Reservation; however, this system is operated by contract. The Miccosukee Hotel and Casino Complex, on the Dade Corners Reservation is served by the Miami-Dade Water and Sewer Authority.

### **Underground Injection Control**

EPA and the Miccosukees are currently working in partnership to implement a Tribal UIC program that will identify all UIC wells located on the reservation, establish an inventory of these wells, and provide compliance assistance to the Tribe. The Tribe has identified a contact person for this effort and continued to provide input to EPA

### **Groundwater**

The Region is currently working with the Miccosukees to implement a Well Head Protection Program for each of the sites. Work is being performed through an Interagency Agreement with the Southeastern Office of the Indian Health Service.

### **Water Quality (WQ)**

The Tribe has received a "Treatment as a State" to set its own water quality standards for Federal Reservation lands and to certify federally issued permits. The Tribe is greatly concerned about the pollution of the water in the Everglades through non-point source pollution from agricultural activities. The first draft of their standards was reviewed in 1996, and comments were provided from EPA to the Tribe. The second draft was received in 1997, and a public hearing was held on the proposed standards. The Tribe adopted WQ Standards in December 1999. EPA approved the Tribe's Water Quality Standards in FY'99 and granted authority to the Tribe to issue their own 401 Water Quality Certification in FY'98. The Wetlands Water Quality grant is complete.

### **NPDES**

There are no permitted sources on Tribal Lands. Domestic sewage is discharged via mounded and Sub-surface disposal systems.

### **Underground Storage Tank (UST)**

EPA conducted a UST inspection in September 1999. The Tribe performs release detection by testing its monitoring wells at two gas stations on a monthly basis. The Tribe

is developing regulations to assist EPA in administering the UST program on the Federal Reservations. EPA will work closely with Tribe to ascertain the current compliance status of all USTs located on the reservation.

### **Hazardous Waste**

There are no hazardous waste treatment, storage or disposal facilities (TSDFs) on the Miccosukee Reservation. There are no known hazardous waste generators on the Reservation lands.

### **Solid Waste**

The Miccosukee Tribe does not have a written Solid Waste Management Plan in place at this time. There has never been a Subtitle D municipal solid waste landfill (MSWLF) on Tribal lands. Solid waste is collected twice a week from in front of homes and hauled off the Reservation by a private company under contract with the Tribe. Likewise, solid waste generated at Tribal offices, buildings and businesses is collected and hauled off by a private company. The waste is taken to a State-permitted MSWLF in Dade County, Florida. There are no open dumps, nor any other significant illegal dumping problems on the Miccosukee Reservation. The Tribe has an ordinance against littering that is enforced by the Tribal Police Department. The Tribe is considering the potential possibility of establishing a recycling program at its new hotel and casino complex sometime in the future.

### **CERCLA**

There are presently no active CERCLA remediation sites on Federal Reservation lands. No hazardous waste sites have been identified or reported.

### **Toxics**

The Tribe handles no toxics or PCBs under this program.

### **Emergency Response**

Emergency response training (a first responder course) has been provided to tribal police under an agreement with Dade County. The Tribe now has an Emergency Medical Technician as staff at its Fire Department.

### **Pollution Prevention**

The Tribe has two used oil recycling centers. The Tribe is currently active in leading the fight to save the Everglades from water pollution and has a Section 106 Water Quality Sampling program. This sampling program will assist the Tribe in developing water quality standards for the Reservations.

### **Environmental Audit**

There has been no outside audit performed. The Air Division of EPA performed an Air Quality Audit this past year. The EPA Region 4 Indian Coordinator makes an annual visit to the Reservations to discuss environmental issues, tribal environmental capacity and general assistance grants.

**Problem Areas**

Funding for Tribal environmental monitoring activities is drastically cut, specifically the Section 106 grants. This greatly affects the Tribe's abilities to determine its own water quality standards and stop water pollution. There is practically no non-point source pollution funding available for Tribes, yet NPS is the major source of pollution on the Reservations.

**Actions Needed**

Restore and increase Section 106 funding, increase NPS funding, and the protection of state water quality standards on polluters in the Everglades.

## **SEMINOLE TRIBE OF FLORIDA**

**Location:** Hollywood, FL

**Area:** 98,500 acres: Big Cypress Reservation 52,338, Hollywood Reservation 497, Brighton Reservation 35,805, Immokalee Reservation 600, Tampa Reservation 39; Fort Pierce Reservation, plus other non-reservation parcels: the Coconut Creek Property, and the Yeehaw Junction Property

**Populations:** Approximately 2,600 members

**Activities:** Rural areas; cattle, citrus, vegetables, cultural, residential.  
Urban areas; residential, retail sales, gaming, small businesses, cultural.

The Seminole Tribe of Florida has about 2,600 members, living on five reservations across the Florida peninsula at Hollywood (formerly Dania), Big Cypress, Brighton, Immokalee, and Tampa.

The Seminole Indians of Florida were unique among the southeastern tribes in their bitter resistance to the intransigent removal policies of the federal government during the nineteenth century. There were three Seminole Wars between 1818 and 1858. The second Seminole war (1835-1842) cost the federal government over \$40 million and 1,500 casualties. Many of the Seminoles eluded capture and relocation to Oklahoma, and the U.S. Army declared an end to the war in 1858.

With the coming of the Civil war, those Seminoles who eluded capture, numbering only about one hundred, were no longer of concern to the military. Because of their isolation, the Indians in Florida played no role in the national conflict of the 1860s. Although the Seminoles were cut off from the main body of their people, they maintained their traditional culture in spite of having to adapt to meet the demands of their lifestyle. They divided into bands based upon language: two spoke Miccosukee and the other Creek. Each had its own council of elders and a chief, as the Seminole towns did prior to wars. The bands retained unity through a common religious observance of many southeastern Indians, known as the Green Corn Dance.

In the 1950s, faced with the threat of termination, the Seminoles wrote a constitution and charter and voted to formally organize as the Seminole Tribe of Florida. In 1957, the Seminole Tribe of Florida became a federally recognized tribe and reorganized itself under a constitution, according to the terms of the Indian Reorganization Act of 1934.

## **SEMINOLE PROJECT ACTIVITIES**

The following Environmental Programs will be examined to determine what is needed for Tribal capacity building in order to assume delegation:

- C NPDES (401 Certification and 402 Permitting)
- C NPDES Storm Water for Industrial/Commercial Site General Permit Assistance
- C Wetlands Water Quality Monitoring Program
- C Monthly Surface Water Quality Sampling Program
- C Well Head Protection Program

Training for Tribal members in each of the program areas will be developed to achieve:

- C Legal and managerial infrastructure and capacity
- C Technical skills and capability

Develop a regulatory framework and amend existing Tribal Code in order to implement programs for which delegation is being assumed and will incorporate the Well Head Protection criteria into the Tribal Water Code ordinance.

Development and implementation of a QA/QC and a sampling training program for the Tribe's Utilities Department and to assist them in developing a customized database management system for their specific needs.

The Tribe will begin the process of setting water quality standards (WQS) for surface waters on the Hollywood, Immokalee and Tampa Reservations. The same protocols that were used in setting water quality standards for Big Cypress and Brighton Reservations will be used.

Research and catalogue federal guidelines and EPA's programs.

Continue implementing the department 's QA/QC practices and updating/rewriting the current Quality Assurance Policies and Procedures (QAPP) that the Water Resource Management are following.

Continue to provide on-site training to Tribal water quality samplers, tracking samples for analysis, and develop data base for policy decisions.

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## **SEMINOLE PROGRAM SUMMARY**

### **Air**

Presently the Tribe has initiated training of two Tribal employees for the future implementation of an Air Quality Program for the Tribe's lands. It is anticipated that monitoring will begin on the Big Cypress and Brighton Reservations even though these rural areas have few, if any pollutant emission sources. The urban reservations, Hollywood and Tampa are encompassed by other local and state entities and as such, share the same concerns for air quality as these municipalities.

General air quality concerns include high volume of traffic on Highway 441 and the the turnpike in the Hollywood Reservation, and indoor air at gaming facilities located in the Immokalee, Brighton, Hollywood and Tampa Reservations.

### **Drinking Water**

The Tribe operates three public water systems: Big Cypress Reservation, Brighton Reservation, Tampa Reservation.

The Seminole Utilities Department operates the Big Cypress and Brighton community water systems, and the Tampa system is operated by contractors. Seminole Industries, a private company, provides water to some of the Hollywood residents, with the remainder getting water from the City of Hollywood. The Immokalee Water and Sewer District supplies water to the reservation at Immokalee. Future plans call for a Tribal water treatment and distribution system at Immokalee and at Fort Pierce, and new water treatment facilities at Brighton and Big Cypress.

### **Underground Injection Control**

EPA and the Seminoles are currently working in partnership to implement a Tribal UIC program that will identify all UIC wells located on the reservation, establish an inventory of these wells, and provide compliance assistance to the Tribe. The Tribe has identified a contact person for this effort and continued to provide input to EPA.

### **Groundwater**

The Region is currently working with the Seminoles to implement a Well Head Protection Program for each of the sites. Work is being performed through an Interagency Agreement with the Southeastern Office of the Indian Health Service. For FY2000, it is anticipated that funding will be provided for a Source Water Assessment Program.

### **NPDES**

No NPDES permits are required for the present treatment systems. At Big Cypress and Brighton, treated wastewater is discharged to polishing ponds, which allow the water to percolate and evaporate. The wastewater collected in Hollywood goes to Seminole Industries as well as to the City of Hollywood. In Immokalee, the sewage is collected by the Immokalee Water and Sewer District. The Tampa sewage enters the City of Tampa collection system.

### **Water Quality Standards**

A water rights and land dispute with the State of Florida was resolved with the Seminole Settlement Agreement in 1987. The Water Rights Compact 1) commits the Tribe to working within the South Florida Water Management Districts' rules and Florida Statutes, 2) creates water rights for the Tribes, 3) provides a mechanism for conflict resolutions, and 4) allows the Tribe to develop on its lands without participating in the permitting process of the District. Both the Tribe and the District agree to cooperate on issues dealing with water quality and quantity.

The Seminole Tribal Council has delegated authority to the Seminole Water Commission to issue rules to carry out Tribal law and Federal law. The Tribal Water Code consists of two subtitles: Subtitle A-Beneficial Use and Conservation of Water Resources and Subtitle B-Water Quality Code. The Commission issues rules establishing procedures to carry out the Tribal Water Code, the Water Rights Compact, and the Criteria Manual. Presently, the Water Code has been amended to incorporate changes in the language between these documents that was inconsistent with this code. Further amendments may be made in the future to strengthen its impact on regulating Tribal Lands providing for water quality protection. A water quality monitoring program has been established since 1989 to routinely sample the water conveyance systems, surface and groundwater as well as wetlands within all reservations.

Water Quality Standards for the Big Cypress Reservation were approved by the Seminole Water Commission and the adopted as law by the Tribal Council in 1996. The Use Attainability Analysis has been reviewed by EPA and the Standards have been approved. The Brighton Reservation is under the same Water Quality Standards process and received EPA approval in December 1998. Criteria protecting water quality on the more urban reservations have not yet been reviewed in this process. The EPA NPDES storm water permit program is administered and processed by the WRMD for Tribal activities.

### **Nonpoint Source**

A Non-Point Source Pilot Watershed Project was conducted on the Brighton and Tampa Seminole Indian Reservations. The Brighton Project consisted of determining the effectiveness of various Best Management Practices (BMPs) on a series of five cattle pastures. The Tampa project is designed to use the natural vegetation of the area for the storage of storm water and the natural attenuation of nutrients. As this facility is located in a urban area, it is highly desirable to retain as much of the natural areas and wetlands as possible. There is also a proposed research design for a project in the Big Cypress Reservation to evaluate the different vegetative types in their ability to uptake Phosphorus within surface waters.

### **Hazardous Waste**

There are no hazardous waste treatment, storage or disposal facilities (TSDFs) on Seminole Reservation lands. There are several hazardous waste generators, CESQGs



and SQGs, on the Hollywood Reservation. At the request of the Tribe in FY-99, Region 4's RCRA Enforcement and Compliance Branch performed inspections of four facilities (three on the Hollywood Reservation and one just off the Reservation) that were/are leased by non-Tribal members. No major violations were identified during the inspections.

### **Solid Waste**

The Seminole Tribe has never had a Subtitle D municipal solid waste landfill (MSWLF) on Reservation lands. There were several open dumps on the Reservations that were identified by the Indian Health Service (IHS) inventory in 1996. A clean-up/remediation of these dumps has begun and is near completion, and there is no known illegal dumping taking place on the Reservations. The Seminole Utilities Department is currently responsible for solid waste handling on four of the five Seminole Reservations: Hollywood, Big Cypress, Brighton and Immokalee. Waste is picked up a minimum of twice a week at Hollywood, Big Cypress and Brighton. A private hauling company handles solid waste at the other Reservation (Tampa), under contract with the businesses on that Reservation. Curbside and drop-off recycling programs have been established on the Reservations and include the recycling of aluminum cans, plastics, cardboard and yard wastes. A transfer station is in operation in Brighton at this time, and separation of aluminum cans, plastics, cardboard, 12-volt batteries, used oil, steel/white metal, tires, wood and yard waste takes place there. A contractor picks up the roll-off bins used for garbage at the Brighton transfer station. A composting site has been established in Brighton adjacent to the transfer station. This facility will utilize yard waste materials from the Reservations and available animal wastes to subsequently provide a useable end product for defined markets such as agricultural and horticultural businesses on Tribal lands. The Tribe has plans in place to establish another transfer station, this one on the Big Cypress Reservation, in the near future. The Tribe plans to continue activities that successfully promote development of an integrated solid waste management program, including educational and outreach initiatives.

### **Underground Storage Tank (UST)**

Presently there are no known Underground Storage Tanks located on the Tribe's reservation lands. The last known tanks were located at Stonebeads in the Brighton Seminole Indian Reservation and were removed.

The former Shell site on the corner of Route 441 and Stirling in the Hollywood Reservation is under the States' Early Detection Incentive (EDI) program and is following a "Monitoring Only Program." There are no tanks in place at this location. Another site adjacent to Hollywood, Oasis Truck Stop on Route 441 is also currently under the States EDI program and still has underground tanks in place.

EPA will be working with the Tribe in near future to ascertain the compliance status of all USTs located on the reservation in relation to the December 22, 1998 deadline.

### **CERCLA**

The former BIA Roads and Land-Use facility in the Big Cypress was given a "No Further

Action" in March, 1998. Another old BIA Roads Facility in the Brighton Reservation has been remediated by removal and thermal treatment of contaminated soils. This site is under a monitoring program and does not pose a threat to potable water supplies. There are presently no other active CERCLA sites on the Reservations other than the ones under the State clean-up programs. The Tribe has a Cooperative Agreement From the Brownsfields program to fund a Tribal position for oversight and coordination of targeted Brownsfields Assessments on the Reservation.

### **Emergency Response**

Indian Health Services is currently outlining an Emergency Response Plan guideline for the various Departments within the Tribe. The Seminole Utilities has completed a manual that covers all aspects of hurricane planning and response for the Tribe's use. The WRMD is compiling a list of Aboveground Storage Tank (AGST) facilities needing spill prevention plans.

### **Toxics**

There is not a current Pesticide Program on the Reservations, although the Water Resource Management Staff are trained applicators with instructions provided for by the USA COE an certification by the State of Florida. There is a storage facility and wash down area on the Brighton Reservation and another is being planned for the Big Cypress Reservation.

### **NEPA**

NEPA matters are handled as necessary within the Water Resource Management Department.

### **Pollution Prevention**

The Tribe conducts source reduction throughout its regular water and waste water programs. The Tribe also practices source reduction in solid waste programs which consists of wet garbage vehicles, batteries, tires and white goods removal. Community action includes household hazardous wastes collections for the Hollywood Reservation and in the future for the more rural Reservations. There is also periodic planned community removals of cars, abandoned mobile homes, tires etc. The Tribe has installed a Solid Waste Transfer Station on the Brighton Reservation and in the future is going to install one on the Big Cypress Reservation as well. These are collection points for wet garbage, paper, and other items. Periodic collections of used oils, filters etc. are made on both the Big Cypress and Brighton Reservations and all efforts are made to reduce the potential for spills to occur. Community activities include recycling and household hazardous waste collection for Hollywood, Big Cypress and Brighton at this time, with Immokalee and Tampa expected to do so in 12 months, and with Ft. Pierce participating eventually.

### **Environmental Audit**

Under funds that may be available through the Brownfields Redevelopment Program, the Tribe has proposed evaluating its environmental regulatory infrastructure and capabilities.

This funding is currently being held while standard form language issues are being worked out. The Regional Indian Coordinator schedules a visit to the reservation annually or as requested by the Tribe.

**Problem Areas**

None currently found to be acute or chronic to human health and the natural resources of the Tribe.

**Action Items**

Grants for utilities improvement and general assistance to maintain monitoring, analysis, response and compliance to applicable Federal and Tribal environmental regulations.

## **MISSISSIPPI BAND OF CHOCTAW INDIANS**

- Location:** East Central Mississippi, near Philadelphia
- Area:** Approximately 28,000 acres, including 8 communities, one in Tennessee.
- Population:** 8,300 + on reservation
- Activities:** Main land uses in addition to residential uses include agricultural, social, commercial, recreational and industrial uses.

The Choctaw people have had a presence in most of what is now Mississippi and west Alabama for over 400 years. Through a number of treaties, the Choctaw were forced to cede over 25 million acres to the United States government during the early 1800's. The members of the Mississippi Band of Choctaw Indians are the descendants of tribal members who elected to stay in Mississippi rather than relocate to the Indian Territory in 1831, and in subsequent removals lasting until 1903.

The Mississippi Band of Choctaw Indians are located in east central Mississippi on approximately 28,000 acres of reservation lands in Attala, Winston, Leake, Neshoba, Kemper, Scott, Newton, Jones, and Jackson counties and Lauderdale County in Tennessee.

There are over 8,300 members of this tribe; 6,000 of them living in the reservation communities of east central Mississippi. The other members live in urban areas throughout the country. The Choctaw in Mississippi are the descendants of the original people, who were relocated to Oklahoma in the Trail of Tears during the mid-1800s removal, following the signing of the tribe's final treaty with the United States, the Treaty of Dancing Rabbit Creek, in 1830.

In 1826, the tribe adopted its first written constitution, but the tribe's governmental structure collapsed when removal took most of the tribal members to Oklahoma shortly thereafter. In 1945, the Mississippi Band of Choctaw adopted a constitution and bylaws that provided for the establishment of a tribal government. This government is headed by an elected 16-member Tribal Council, with representatives from each of seven communities, and a Tribal Chief who is elected at-large every four years (currently Phillip Martin.)

## **CHOCTAW PROJECT ACTIVITIES**

### **Environmental Management**

Continue to Coordinate and to develop environmental programs and activities on the Choctaw reservation; establish enforcement capabilities through the development of environmental codes and ordinances providing enforcement authority to the Choctaws EPO.

### **Solid Waste Management**

Continue to build tribal capacity for administering and implementing a solid hazardous waste program on the Choctaw reservation; administer a solid waste recycling program on the Choctaw reservation; Implement a composting project making use of wastewater treatment sludge, recycled paper and food wastes from the tribal schools

### **Natural Resources Management**

Continue to conduct environmental assessments (EAS) and environmental impact statements (EISs) for activities which may impair natural resources on the reservation as required by NEPA; provide training and technical assistance to tribal Natural Resource staff and other concerned tribal departments regarding environmental management and protection of forest, wetlands, and natural resources within the external boundaries of the reservation.

### **Training and Technical Assistance**

Continue to provide adequate training for environmental program management, monitoring and assessment activities for Choctaw EPO.

### **Environmental Education and Outreach**

Continue to provide information to tribal members to assure knowledge of and responsiveness to EPA regulatory requirements; participate in local and regional meetings and community activities which address environmental issues.

### **Environmental Monitoring**

Continue to direct and to implement environmental monitoring activities to protect and enhance the water resources, wetlands and watershed on the reservation; ensure compliance with the federal statutory regulations, (SDWA,CAA,SARA Title III etc.)

Contact: Bernadette Hudnell, Coordinator  
Choctaw Office of Environmental  
Protection

Ph: (601) 650-7313  
Fax: (601) 650-9402

Wendell Stokes, Director  
Public Works Department

Ph: (601) 650-1760  
Fax: (601) 650-1759

## **CHOCTAW PROGRAM SUMMARY**

### **Air**

The incinerator at the hospital was the only air pollution point source. This incinerator has been dismantled and moved off site. The tribe currently has a contract with American 3CI to dispose of its hospital infectious wastes. The tribe has received CAA section 103 assistance to build capacity in developing and implementing CAA programs.

### **Drinking Water**

The Tribe operates 3 community water Systems (Bogue Chitto, Conehatta, and Pearl River), regulated by EPA. The Tribe and the State of Mississippi have an excellent working relationship, whereby the State performs some of the monitoring for the Tribal water systems in exchange for fees. The other five communities are served by rural water associations, which are regulated by the Mississippi State Department of Health, Water Division. Drinking water is 100% from groundwater sources: 8 community sources supply water to 97% of the population, while other 3% is on private wells.

### **Underground Injection Control (UIC)**

EPA and the MS Band of Choctaws have implemented a Tribal UIC program that has identified all UIC wells located on the reservation as well as establish an inventory of these wells, together with monitoring/assessment activities. The tribe has identified a contact person for this effort and continued to provide input to EPA

### **Groundwater**

EPA has provided a grant to the tribe for FY1999 to develop a Source Water Assessment Plan and Well Head Protection Program for the Pearl River, Conehatta, and Bogue Chitto Indian communities where community water systems are located.

### **NPDES**

The tribe operates a sewage treatment plant, a small package plant, and oxidation lagoons. Most NPDES permits have been reissued as of September 29, 1998. A new 0.95 MGD design flow facility is now operational in the Pearl River Community, and has a current NPDES permit, issued August 18, 1997. This plant has taken over the sewage treatment for some of the older sewage treatment facilities in the Pearl River community. Alternative treatment units (vegetative/rock filters) have been used in conjunction with septic tanks for individual home sewage systems, however, the performance of these units has proven to be unsatisfactory, and these have been replaced with conventional septic tank and drainfield systems.

### **Water Quality Standards**

The tribe has received CWA Section 106 and Section 104 grants from EPA to collect and measure water quality in preparation for development of water quality standards.

### **Nonpoint Source**

Nonpoint source issues on the Choctaw reservation include: 1) Leaking individual sewage treatment plants and septic tank systems; 2) Siltation and erosion problems at housing and industrial, commercial building construction sites; 3) Harvesting, reforestation and residue management; 4) Surface mining, i.e. topping pits.

### **Underground Storage Tank (UST)**

The facilities having known USTs were last inspected by EPA in April, 1998 at which time the UST inspector addressed the Tribal environmental committee concerning the December 2, 1998 upgrade deadline. The tribe has taken a pro-active approach to meeting the UST regulatory requirements. The UST located at the Choctaw Health Center and Chahta Development Company have been permanently closed in place. The three USTs located at the Choctaw Transit Authority have been upgraded for corrosion protection. A third facility, the Arrowhead Petroleum gas station is scheduled to be closed in FY 2000 to make way for a more modern facility scheduled to be constructed at the same site.

### **Hazardous Waste**

There are no hazardous waste treatment, storage or disposal facilities (TSDFs) on the Mississippi Band of Choctaw Indians' (MBCI) Reservation lands. There are several hazardous waste generators (CESQGs and an SQG) located on Tribal lands. In conjunction with the MBCI's Environmental Office personnel, Region 4's RCRA Enforcement and Compliance Branch performed Compliance Evaluation Inspections (CEIs) of four facilities on Reservation lands during FY-99. Two of these were CESQGs, one an SQG, and the other a non-generator of hazardous waste. Only the SQG had any violations and those were minor in nature, involving inadequate labeling of hazardous waste containers. No major violations were identified during the inspections.

### **Solid Waste**

The MBCI has a Comprehensive Solid Waste Management Plan that has been in place since October 1996. There has never been a Subtitle D municipal solid waste landfill (MSWLF) on Tribal lands. Recently, a feasibility study was conducted to determine the merits of constructing and operating a regional MSWLF on Tribal lands. The study indicated that such a facility is not economically feasible at present. Currently, the Tribe has a contract with a private company to collect and dispose of MSW in an off-Reservation, State-permitted MSWLF. Some open dumps on the MBCI Reservations, including some of those identified by the Tribe and the Indian Health Service (IHS) in 1996, have been remediated. Other open dumps on Reservation lands have not yet been adequately addressed. The MBCI was granted funding from the Interagency Tribal Open Dump Cleanup Program in 1999, to perform closure/post-closure of one such open dump. This project will be carried out in 2000-2001.

Development and enhancement of the Tribe's solid waste management program has included the establishment of a recycling center in the Pearl River Community, MSW educational activities targeting Tribal youth and various community outreach efforts.

Recyclable materials collected by the Tribe currently include aluminum cans, steel cans, white paper, cardboard, newspapers, magazines, shredded computer paper and white goods (appliances). During FY-2000, the Tribe plans to expand its recycling program and to continue educational and outreach programs. Also, development of preliminary plans for a future composting facility are planned in FY-2000. Such a facility would likely utilize food waste from schools and restaurants, biosolids from the Tribe's waste water treatment plant, and other organic materials such as yard wastes.

### **CERCLA**

There are presently no active CERCLA National Priority List (NPL) remediation sites on reservation lands. The Tribe has been awarded a Cooperative Agreement from the Brownsfields Program to conduct environmental assessments of Brownfields on Tribal Lands and to develop Tribal Capacity to perform hazardous waste site investigations. The Region will also provide training and technical assistance.

### **Emergency Response**

Training of public sector employees on Hazardous Materials and Emergency Preparedness funded by DOT in 1995 and 1996 has been made available in the last four years through DOT grants.

### **Toxics**

The Tribe handles no PCBs or other toxics under this program.

### **NEPA**

The Choctaw EPA office prepares all environmental assessments and environmental impact statements (EIS) for most developmental projects on the Choctaw reservation.

### **Pollution Prevention**

Tribal industries are assembly-type industries that do not produce or generate hazardous materials or pollute the environment. A recycling program for white office paper, corrugated cardboard, and aluminum cans is currently on-going. A solid waste management plan was completed in the summer of 1996. A water and waste water quality monitoring lab has been established in order to develop water quality parameters and standards.

### **Environmental Audit**

There has been no outside audit performed. The Regional Indian Coordinator schedules a visit to the reservation annually or as requested by the Tribal Administration, to discuss environmental issues, Tribal environmental capacity, and general assistance grants.

### **Problem Areas**

Funding for Tribal environmental assessment and monitoring activities continue to be in short supply, e.g. Solid Waste, CWA Section 104 & 106 grants. This will greatly affect Tribal compliance with the various statues and programs of the Federal government.



**Actions Needed:** Restore or increase funding for Solid Waste Management, Clean Water Act and Safe Drinking Water Act statues.

## **EASTERN BAND OF CHEROKEE INDIANS**

**Location:** Cherokee, NC

**Area:** 56,000 ACRES (+,-)

**Population:** 11,700 members enrolled; approximately 9,000 on Reservation

**Activities:** Tribal lands include commercial, and residential areas, with some agriculture; cold water trout streams are one of the primary attractions. The Qualla Boundary is bordered by national park lands.

The Eastern Band of the Cherokee live on the Qualla Boundary, a land area comprised of 56,572 acres directly adjacent to the Great Smoky Mountains National Park. The more than 11,000 members of the Eastern Band (about 9000 on the Qualla Boundary) are descendants of those Cherokee who, in the late 1830s, remained in the mountains of North Carolina rather than be forced to march along the infamous "Trail of Tears" to Oklahoma.

Historically, the Cherokee were a settled, agricultural people living in approximately 200 fairly, large villages. The typical Cherokee town consisted of 30 to 60 houses and a large council house. The Cherokee, culturally, resembled the Creek and other southeastern tribes, including their celebration of the Busk, or Green Corn festival. Cherokee agriculture relied heavily on the "three sisters" (corn, beans, and squash), supplemented by hunting and the gathering of wild plants. Cherokee villages were largely independent in daily matters, with the whole tribe only coming together for ceremonies or times of war.

The Cherokee were the only Iroquoian-speaking member of the so called "Five Civilized Tribes" of the southeast United States. During the early 1800s, the Cherokee adopted their government to a written constitution. They established their own courts and schools, and achieved a standard of living that was the envy of their white neighbors. Particularly noteworthy was the invention of written language by Sequoyah (George Gist) in 1821. Utilizing an ingenious alphabet of 86 characters, almost the entire Cherokee Nation became literate within a few years. A Cherokee newspaper, the Phoenix, began publication in the native language in February, 1828. Despite all they have endured, the Cherokees' level of education and living standard ranks among the highest of all Native American tribes.

## **CHEROKEE PROJECT ACTIVITIES**

### **Implementation of the Tribal /EPA Environmental Agreement:**

This document will serve as a planning document for the Tribes and EPA in the decision making process to implement environment programs and projects on the Reservation.

### **Reservation Geographic Information System (GIS):**

The Tribal Environmental Office (TEO) is working with the Region IV GIS staff and continues to receive valuable technical assistance from that office. TEO will continue in its efforts to make available an accurate database system which is necessary to make informed decisions concerning the community.

### **Waste Stream Management:**

The TEO will continue to work closely with the Tribal Utilities Program in an effort to more efficiently manage reservation solid waste. Last year, the Tribe negotiated and entered into a second contract with Waste Management, Inc. Graham County has recently entered into a contract with the Tribe for solid waste management. This growth and increased volume helps offset the solid waste management on the reservation. The TEO will continue coordination with the Tribal Recycling Program in efforts to expand outreach and participation in recycling and source reduction.

### **Nonpoint Source Pollution:**

Due to population, geography and existing economy, the major pollution on the Cherokee Indian Reservation is related to nonpoint source. Major nonpoint source pollution is a result of construction related activities in the areas of housing, roads, and commercial development. The Eastern Band of Cherokee Indians developed a Non-Point Source pollution assessment report and management plan. The report analyzes the major sources of pollution ranging from failing septic systems to critical erosion areas.

### **Water Infrastructure:**

TEO will work with Tribal utilities to expand water service on reservation.

### **Big Cove Sewer:**

Wastewater service into the Big Cove Community.

Contact:	Eddie Almond, Director	Ph: (828) 497-3814
	Tribal Environmental Office	Fax: (828) 497-3615

Note: In the absence of Mr. Almond, please contact:

Calvin E. Murphy, Executive Director  
Tribal Utilities

Ph: (828) 497-5555  
Fax: (828) 497-3615

## **CHEROKEE PROGRAM SUMMARY**

### **Air**

There are no large sources of air pollution located on the Cherokee Indian Reservation. The Cherokee Indian Hospital has a small incinerator which has been given a permit by the state of North Carolina. The hospital facility is considered to be a federal facility, and because it is on Reservation lands, is permitted by EPA. In February, 1997, the Tribe via assistance from EPA began an air program on the Reservation with a full-time staff person. The tribe is in the process of requesting Treatment as State recognition for the purpose of administering an air program. Among the proposed activities that the tribe will undertake are: (1) administering a CAA Section 105 grant, (2) establishing ambient air monitoring for Ozone, Carbon Monoxide, Visibility and PM<sub>2.5</sub>, (3) reviewing Title V permits from sources contiguous to the tribal area, and (4) adopting, implementing and enforcing open burning codes.

### **Drinking Water**

The Eastern Band of the Cherokee Indians own and operate a surface water treatment facility and distribution system. The Tribe placed in operation a new 3 MGD surface treatment plant in 1996. This new system eliminated two old surface systems and several well systems, but the Rough Branch well systems remain in service, due to the high elevation of this community. The Tribe has recently expanded service from the central system into the Birdtown Community, thus eliminating the Goose Creek and Adams Creek well systems. The systems are tested daily in their own labs to meet requirements of EPA. VOC testing is provided under contract with a commercial laboratory. The systems have been inspected annually by EPA. The Tribe also operates three non-transient, non-community facilities. There are also 20 transient non-community that are not operated by the Tribe which require technical assistance from the Tribe and from EPA. A project recently funded under the Drinking Water Tribal Set-Aside construction grant program will extend water service into the Big Cove community, and eliminate nine of the transient, non-community systems.

### **Underground Injection Control**

EPA and the Eastern Band of Cherokees are currently working in partnership to implement a Tribal UIC program that will identify all UIC wells located on the reservation, establish an inventory of these wells, and provide compliance assistance to the Tribe. The Tribe has identified a contact person for this effort and continue to provide input to EPA.

### **Groundwater**

The Region will be working with the Eastern Band of Cherokee Indians to implement a Well Head Protection Program for each of the sites. In 1998, EPA provided funding to the Band for the development of a Source Water Assessment Program.

### **Wastewater**

The Tribe owns and operates its own wastewater treatment facilities and collection system. In the month of June, 1997, the Tribe began the changeover process to the new

wastewater plant. The previous 1 million gallons per day (MGD) facility has been expanded to 3 MGD at a cost of over 5.1 million dollars to accommodate projected growth. This facility is located in the Birdtown Community of the reservation and has been issued a new NPDES permit (NC0052469) by EPA to reflect the upgrade. Another treatment plant operated by the Tribes is a package plant rated at 30,000 gpd, located at a housing project on Rough Branch in the Soco Community (NC0048089). Also, located on the Cherokee Reservation are two privately owned campgrounds (Yogi in the Smokies and KOA) with package plants, which were inspected by EPA in 1993. These plants are serviced as requested under contract by the Cherokee Water and Sewer Tribal Enterprises. The Tribe through the assistance of a grant from EPA, under Section 104(b)3 of the Clean Water Act, has completed engineering and design documents for extension of sewer service into the Big Cove Community. The Tribal Environmental Office, having been awarded the bulk of the money in the 1999 EPA budget, is currently seeking the remaining funding to construct this project, estimated to cost 8.6 million dollars. Completion of this project will allow the elimination of the small package plants at the KOA and Yogi in the Smokies Campgrounds.

The Water and Sewer Department provide both operations and laboratory service under contract. The laboratory at the wastewater plant is a commercial lab certified by the state.

The Tribe owns and operates a trout farm, and enterprise fishing waters of the Cherokee Indian Reservation. The trout farm facility is permitted by EPA. The other two fisheries are privately owned.

### **Water Quality Standards**

The Water and Sewer Department, under a CWA §106 grant from EPA, monitors and analyzes stream samples and collection data to support the creation of water quality standards for the reservation. The Department also operates both a certified drinking water and wastewater laboratories to conduct analysis for water treatment and wastewater treatment facilities. Currently, the Tribe has draft Water Quality Standards and hopes to have standards implemented within this fiscal year. A nonpoint source assessment and management plan has been written for the Tribe. Increased EPA funding under Section 106 CWA allowed for the employment of Biologist in this department.

### **Nonpoint Source**

Natural Resource Conservation Service (NRCS ) Partners with EPA and Eastern Band of Cherokee Indians on Stream Restoration: Two Fluvial geomorphic stream restoration projects were completed on the Cherokee Indian Reservation, North Carolina. Fluvial geomorphic restoration involves restoring a stream's natural flow characteristics such as proper width, depth, meanders, slope and riparian vegetation. This approach to stream restoration has been brought into the mainstream by Dave Rosgen of Wildland Hydrology in Pagosa Springs Colorado. The project was funded by EPA with matching dollars from the tribe. The EPA grant is administered under Section 319 of the Clean Water Act. Contact: Tony Able/404/562-9273.

### **Underground Storage Tank (UST)**

The Tribe is working with EPA to clarify the inventory of underground storage tanks on the Reservation that are owned and operated by the Tribe. According to the present inventory, the tribe owns two underground storage tanks located at the Cherokee Boys Club that do not contain heating oil. There are several non-indian owned businesses on the Reservation having USTs. Many of these tanks were inspected by EPA in April 1997, at which time a field citation was issued. The ongoing process of working with tank owners/operators and EPA has the ultimate goal of achieving compliance for all tanks. The Tribal Environmental Office plans to begin working more closely with EPA inspectors and Reservation owner/operators. In addition, negotiations for a possible MOA between the Tribe, EPA and State of NC are underway regarding USTs on the Reservation with respect to participation in the state LUST Trust Fund.

### **Hazardous Waste**

There are no hazardous waste treatment, storage or disposal facilities (TSDFs) on Reservation lands. One known small quantity generator (SQG) of hazardous waste, as identified in the RCRIS database, is located on the Cherokee Reservation. This facility is a printing shop that has significantly reduced its generation of hazardous waste by converting to soy-based inks and subsequently reduced the quantity of solvents used. This may actually now fit the definition of a conditionally exempt SQG (CESQG).

### **Solid Waste**

The Eastern Band of Cherokee Indians (EBCI) has a very progressive integrated solid waste management (ISWM) program in place. Moreover, the Tribe is very proactive nationally and has taken on a leadership role in its environmental activities, offering technical and non-technical advice and assistance to other Tribes throughout America. A very successful inaugural meeting of the Tribal Association on Solid Waste and Emergency Response (TASWER) was held in Cherokee during September 1999.

The EBCI has a Solid Waste Management Plan that has been in place since October 1993. The Tribe stopped accepting waste at its municipal solid waste landfill (MSWLF) and closed the facility prior to the October 1994 closure deadline. They then constructed a large transfer station that is utilized as a regional facility, accepting waste from Swain and Graham Counties, NC. Open dumps on the Reservation identified by the Indian Health Service (IHS) inventory of 1996 have been or are in the process of being remediated. A significant complement to the prevention of open dumping occurred in fall 1998, when the Cherokee Tribal Council passed open dumping and open burning ordinances that allow for the enforcement of non-compliance. Recycling activities on the Reservation include many materials: aluminum, plastic, steel cans, cardboard, ledger paper, mixed paper, glass, wooden pallets, used tires, used motor oil, scrap metal, *et. al.* Additionally, the EBCI has two successful composting operations: a windrow composting operation that utilizes food wastes from restaurants at the Tribal casino, and a static pile composting operation that uses biosolids from the Tribe's waste water treatment plant. Yard wastes are processed through a tub grinder and subsequently recycled as part of the composting processes or as mulch. Other key activities include: a very focused solid waste education initiative

directed toward youth, which is a key component of the long-term sustainability of the EBCI's ISWM program; and, efforts to expand the Tribe's recycling and composting initiatives through the involvement of and participation by more residents and more businesses within the community.

### **CERCLA**

There are presently no active CERCLA remediation sites on Reservation lands.

### **Toxics**

Asbestos is buried in the closed municipal solid waste landfill in a designated area that is marked.

### **Pollution Prevention**

The reservation has a recycling program which collects aluminum cans, glass, paper and cardboard by a central recycling center. There is also a trailer which is placed in each community by a schedule that is published in the local newspaper. The recycling coordinator has an education program that is presented in the elementary school and to community clubs. This program will be expanded in both collections and education efforts.

An analysis was conducted regarding the reservation's solid waste program. This included a waste stream analysis and efforts to place a 20 year solid waste management plan in operation. This effort has concluded with the development of a Regional Solid Waste Management Plan with the participation of adjacent Swain and Jackson Counties.

In other areas of pollution prevention, the Eastern Band of Cherokee Indians used assistance from EPA and the IHS in the development of a wastewater sludge composting facility for the Reservation. This year, the program, through the assistance of EPA, has undertaken composting of food waste generated by the recently constructed Harrah's Cherokee Casino. The Tribe has completed the development of a storm water plan for the Acquoni Road section of the Reservation utilizing resources from CWA Section 104(b). The Tribe utilized CWA Section 319 funds in coordination with the Natural Resource Conservation Service and Tribal funds for the critical treatment of Tribal reserve lands which were damaged due to logging activities in the 1980's. These projects have been completed. Current activities using Section 319 funds include several areas of stream bank restoration.

### **Environmental Audit**

Eastern Band of Cherokee Indians has not had an environmental audit. The Tribal Environmental Office is supported by a general assistance grant from EPA. This effort is designed to build capacity to better manage environmental programs on the Reservation as well as consolidating all environmental programs in one department to better serve the tribe. The TEO through the assistance of a contract with IT Corporation developed an Overall Tribal Environmental Plan for the Reservation. The plan addressed the feasibility and evaluated the Tribe's options in the assumption of primacy for the various EPA programs available. The Regional Indian Coordinator schedules a visit to the reservation



annually or as requested by the Tribe.

**Problem Areas**

Wastewater treatment plant is still experiencing infiltration and inflow problems during heavy rains. In addition, the Tribe has requested and received grant assistance from EPA under Section 104(b)(3) of the CWA to assist with an inventory and upgrade plan for the tribes wastewater collection system.

**Action Needed**

The infiltration problems with the wastewater plant are being addressed in-house with assistance from Indian Health Service. This project is an ongoing process.

Efforts continue to plan effectively for solid waste management at the reservation over the next 20 years. The Tribal Environmental Office will also continue working with adjacent counties in the management of solid waste. This regionalized effort was made possible through a pilot regional solid waste management plan previously referenced.

The Tribe, using EPA General Assistance Program grant funds, operates a full-time Tribal Environmental Office to evaluate and better coordinate environmental programs for the tribe. Major emphasis is being placed on the development and construction of pollution prevention projects for the Reservation.

## **CATAWBA INDIAN NATION**

**Location:** Rock Hill, SC

**Area:** 710 acres at Rock Hill, SC, plus other commercial holdings

**Population:** About 3000

**Activities:** Main use is residential, plus cultural and governmental uses

Catawba means "river people" and only came into common use in the Carolinas after 1715. The original homeland of the Catawba before contact with European invaders is uncertain. Today, 1,200 descendants are living in the vicinity of Rock Hill, SC. The Catawba are recognized as a tribe by the federal government and the State of South Carolina.

Before contact, the Catawba were probably two separate tribes: the Catawba proper and the Iswa. Together, they may have numbered as many as 10,000, but when the first British estimates were made in 1692, their population was about 5,000. During the next 70 years the Catawba absorbed remnants from other Siouan-speaking tribes in the region. Despite this, their population declined rapidly from the combination of disease, war, and alcohol. By 1728 they had 400 warriors and a population of about 1,400. They lost half of these to a severe smallpox epidemic in 1738. A generation later (1759-60), another smallpox epidemic killed half of the population leaving a total of 400. After this the Catawbas were thoroughly demoralized, and were in fact dependent upon South Carolina for their goods such as food and clothing. In return for these goods, the Catawbas became subject to political control by the South Carolinians, who wanted to preserve them as a buffer against hostile forces to the north.

In 1808 South Carolina passed a law which allowed the Catawbas to lease out their lands. At this time there were 110 Catawbas (30 families). In 1830, half of the Catawbas moved to North Carolina and lived with the Cherokees. By 1852, most of the Catawbas moved away from the Cherokees, half returned to South Carolina some to Arkansas and Indian Territory. Those who returned to South Carolina were given 630 of their original 144,000 acres.

Around 1930s the Catawbas instituted a tribal council consisting of a chief, a committee chairman, two councilmen, and a secretary. Between 1935 and 1940 they succeeded in gaining admittance to a high school formerly for whites only. In 1941 South Carolina appointed a committee to negotiate with the Bureau of Indian Affairs and the Federal Farm Security Administration to give economic assistance to the Catawbas.

## **CATAWBA PROJECT ACTIVITIES**

The following represents the continued/new work projects being performed by the Catawba Indian Nation:

**Solid Waste Management** - The objective of this program is to continue with the cleanup and management of solid waste on the reservation. Through the development of Solid Waste Management Plan the tribe has been able to determine the quantities, types, and locations of solid waste sites on the reservation. In a combined effort with IHS under project #97-806, they we are currently working to cleanup these existing sites.

Under this program they will also be determining the need for and location of a possible solid waste convenience center for the reservation. The TEO will coordinate efforts with the Public Works Department in researching the feasibility of having a solid waste convenience center located on the reservation. In addition the tribe plan to evaluate the necessity of a recycling program for the reservation.

**Special Projects** - The Tribal Environmental Office will coordinate with other federal agencies and tribal departments in seeking solutions to the following problem/projects which directly impact the Catawba Indian Reservations environment and natural resources.

**Open Dumping** - Many of the open dumps have been cleaned up throughout the reservation. This has been accomplished with the assistance of the Indian Health Service. The TEO will continue to work with the Tribal Public Works Department in addressing this issue from both a project and public health standpoint.

**Water Management** - In an effort to provide residents of tribal lands with quality water, the tribe will accomplish the following: The TEO, Planning and Development, and Public Works will work together, in a concerted effort, and review options for the design, construction, and funding for water system projects for tribal lands. Development of a community water system management plan will be developed.

## **CATAWBA PROGRAM SUMMARY**

### **Air**

No sources on Tribal lands are currently under permit. None that would require permitting under the SC SIP are believed to exist. Based upon observations and information collected during the site visit, there did not appear to be any potential major sources of air emissions located on the Reservation. However, there are several air emission sources of concern within close proximity. The tribe has received CAA Section 103 assistance to build capacity in developing and implementing CAA programs.

### **Drinking Water**

One PWS system exists on Tribal lands, under permit 4610002 from SCDHEC. It is a community system, distributing water purchased from the City of Rock Hill to over 90% of the residents, with no additional treatment provided. Some private wells are also in use.

### **Underground Injection Control (UIC)**

EPA and the Catawbans are currently working in partnership to implement a Tribal UIC program that will identify all UIC wells located on the reservation, establish an inventory of these wells, and provide compliance assistance to the Tribe. The Tribe has identified a contact person for this effort and continues to provide input to EPA

### **Groundwater**

Once the Catawbans implement a ground water system, EPA will work with them on establishing a Well Head Protection Program for each of the sites.

### **NPDES**

No sources exist on Tribal lands. Wastewater disposal is accomplished through septic systems.

### **Underground Storage Tank**

There are no known regulated USTs on Tribal lands.

### **Hazardous Waste**

There are no hazardous waste treatment, storage or disposal facilities (TSDFs) on Reservation lands. There are no known hazardous waste generators on Reservation lands.

### **Solid Waste**

The Catawba Indian Nation has a Solid Waste Management Plan (SWMP) that has been in place since October 1996. There has never been a Subtitle D landfill on the Reservation. The Tribal Public Works Department (PWD) has successfully cleaned up 20 of 23 open dump sites originally identified in the Tribe's SWMP, and in doing so has removed approximately thirty tons of solid waste debris from the Reservation. The Tribal PWD picks up residential household garbage once a week and also offers free pick-up of recyclables once a week to residents electing to participate. Non-recyclable material is taken to a

State-permitted landfill for disposal. Recyclables collected from residents currently include plastics, aluminum, newspapers and some cardboard. Yard debris and white goods (appliances) are picked up once a month for a nominal fee. Since January 1998, an interoffice recycling program has been in place in the Tribal governmental offices. Materials collected for recycling include white and mixed office paper, newspapers, magazines and aluminum cans. A composting operation has been considered by the Tribal Council, but it has been determined that such an operation currently is not feasible. However, the PWD plans to purchase a chipper in the future in order to produce its own mulch from yard debris. The Tribe has also addressed solid waste issues through public education initiatives, educational brochures and production of a video, and other activities that promote further development of an integrated solid waste management program.

### **CERCLA**

There are no known CERCLA sites on reservation.

### **Emergency Response**

The County would presently respond to any emergency situations. The Tribe has received some money from NCAI for the purpose of preparedness training, and the Federal Highway Administration may be contributing money to assist in planning and preparation efforts. The Tribe may also be requesting money from EPA to use for Community-Right-To-Know and emergency planning.

### **Toxics**

The Tribe handles no PCBs or other toxics under this program, with the exception of EPA approved weed killers for fence line areas.

### **NEPA**

NEPA document preparation is handled by the Tribal environmental office.

### **Pollution Prevention**

A solid waste and recycling program was started up under an EPA grant in 1996.

### **Environmental Audit**

No general environmental audit has been performed.

### **Problem Areas**

Open dumps continue to be a problem that the Tribe faces, despite the fact that the Tribe will remove solid waste at no cost.

### **Actions Needed**

None listed.

Contact:      Lewis George  
                 Public Works Director

Ph:      (803) 366-4792  
Fax:      (803) 366-8380

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Memorandum dated April 29, 1994

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: **Government-to-Government Relations With Native American Tribal Governments**

The United States Government has a unique legal relationship with Native American tribal governments as set forth in the Constitution of the United States, treaties, statutes, and court decisions. As executive departments and agencies undertake activities affecting Native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty. Today, as part of an historic meeting, I am outlining principles that executive departments and agencies, including every component bureau and office, are to follow in their interactions with Native American tribal governments. The purpose of these principles is to clarify our responsibility to ensure that the Federal Government operates within a government-to-government relationship with federally recognized Native American tribes. I am strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments.

In order to ensure that the rights of sovereign tribal governments are fully respected, executive branch activities shall be guided by the following:

- (a) The head of each executive department and agency shall be responsible for ensuring that the department or agency operates within a government-to-government relationship with federally recognized tribal governments.
- (b) Each executive department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.
- (c) Each executive department and agency shall assess the impact of Federal

Government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities.

(d) Each executive department and agency shall take appropriate steps to remove any procedural impediments to working directly and effectively with tribal governments on activities that affect the trust property and/or governmental rights of the tribes.

(e) Each executive department and agency shall work cooperatively with other Federal departments and agencies to enlist their interest and support in cooperative efforts, where appropriate, to accomplish the goals of this memorandum.

(f) Each executive department and agency shall apply the requirements of Executive Orders Nos. 12875 ("Enhancing the Intergovernmental Partnership") and 12866 ("Regulatory Planning and Review") to design solutions and tailor Federal programs, in appropriate circumstances, to address specific or unique needs of tribal communities.

The head of each executive department and agency shall ensure that the department or agency's bureaus and components are fully aware of this memorandum, through publication or other means, and that they are in compliance with its requirements.

This memorandum is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

(Presidential Sig.)

THE WHITE HOUSE,  
Washington, April 29, 1994.



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July 10, 1991

THE ADMINISTRATOR

**MEMORANDUM**

SUBJECT: EPA/State/Tribal Relations

TO: Assistant Administrators  
General Counsel  
Inspector General  
Regional Administrators  
Associate Administrators  
Staff Office Directors

Earlier this year I shared with you my views concerning EPA's Indian Policy, its implementation and its future direction. I would now like to further emphasize my commitment to the Policy by endorsing the attached paper that was coordinated by Region VIII on EPA/State/Tribal Relations.

This paper was prepared to formalize the Agency's role in strengthening tribal governments' management of environmental programs on reservations. The paper notes that the differences between the interests of tribal and state governments can be very sensitive and sometimes extend well beyond the specific issues of environmental protection. It reaffirms the general approach of the Agency's Indian Policy and recommends the strengthening of tribal capacity for environmental management. I believe the Agency should continue its present policy, making every effort to support cooperation and coordination between tribal and state governments, while maintaining our commitment to environmental quality.

I encourage you to promote tribal management of environmental programs and work toward that goal.

Please distribute this document to states and tribes in your region.

/S/ William K. Reilly

Attachment

cc. Headquarters Program Office Directors  
Regional Office Directors

# **FEDERAL, TRIBAL AND STATE ROLES IN THE PROTECTION AND REGULATION OF RESERVATION ENVIRONMENTS**

## **I. BACKGROUND**

William Reilly, in his first year as EPA Administrator, reaffirmed the 1984 EPA Indian Policy and its implicit promise to protect the environment of Indian reservations as effectively as the Agency protects the environment of the rest of the country. The EPA Indian Policy is premised on tribal self-determination, the principle that has been set forth as federal policy by Presidents Nixon, Reagan, and Bush. Self-determination is the principle recognizing the primary role of tribal governments in determining the future course of reservation affairs. Applied to the environmental arena in the EPA Indian Policy, this principle looks to tribal governments to manage programs to protect human health and the environment on Indian reservations.

## **II. TRIBAL, STATE AND FEDERAL EXPECTATIONS**

The Agency is sensitive to the fact that tribal and state governments have serious and legitimate interests in the effective control and regulation of pollution sources on Indian reservations. EPA shares these concerns and, moreover, has a responsibility to Congress under the environmental statutes to assure that effective and enforceable environmental programs are developed to protect human health and the environment throughout the nation, including Indian reservations.

Indian tribes, for whom human welfare is tied closely to the land, see protection of the reservation environment as essential to preservation of the reservations themselves. Environmental degradation is viewed as a form of further destruction of the remaining reservation land base, and pollution prevention is viewed as an act of tribal self-preservation that cannot be entrusted to others. For these reasons, Indian tribes have insisted that tribal governments be recognized as the proper governmental entities to determine the future quality of reservation environments.

State governments, in turn, recognize that the environmental integrity of entire ecosystems cannot be regulated in isolation. Pollution in the air and water, even the transportation of hazardous materials in everyday commerce, is not restricted to political boundaries. Accordingly, state governments claim a vital interest in assuring that reservation pollution sources are effectively regulated and, in many cases, express an interest in managing reservation environmental programs themselves, at least for non-Indian sources located on the reservations. In addition, some state officials have voiced the concerns of various non-Indians who live or conduct business within reservation boundaries, many of whom believe that their environmental or business interests would be better represented by state government than by the tribal government.

Although the Agency hears these particular concerns expressed most often through tribal and state representatives, respectively, the Agency is aware that most of these concerns are shared by both tribes and states. For example, tribal governments are not alone in holding the view that future generations

depend on today's leaders to manage the environment wisely. Many state officials argue the same point with the same level of conviction as tribal leaders.

Conversely, tribal governments share with states the awareness that individual components of whole ecosystems cannot be regulated without regard to management of the other parts. Tribal governments have also shown themselves to share the states' sensitivity to the concerns and interests of the entire reservation populace, whether those interests are the interests of Indians or non-Indians. In the Agency's view, tribes and states do not differ on the importance of these goals.

Where they differ at all, they differ on the means to achieve them. EPA fully shares with tribes and states their concerns for preservation of the reservation as a healthy and viable environment, for rational and coordinated management of entire ecosystems, and, thirdly, for environmental management based on adequate input both from regulated businesses and from the populace whose health the system is designed to protect. Moreover, the Agency believes that all of these interests and goals can be accommodated within the framework of federal Indian policy goals and federal Indian law.

### **III. EPA POLICY**

The EPA Indian Policy addresses the subject of state and tribal roles within reservation boundaries as follows:

1. First, consistent with the President's policy, the Agency supports the principle of Indian self-government:

"In keeping with the principle of Indian self-government, the Agency will view Tribal Governments as the appropriate non-Federal parties for making decisions and carry out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace. Just as EPA's deliberations and activities have traditionally involved the interests and/or participation of State Governments, EPA will look directly to Tribal Governments to play this lead role for matters affecting reservation environments."

2. Second, the Agency encourages cooperation between state, tribal and local governments to resolve environmental issues of mutual concern:

"Sound environmental planning and management require the cooperation and mutual consideration of neighboring governments, whether those governments be neighboring States, Tribes or local units of government. Accordingly, EPA will encourage early communication and cooperation among Tribes, States and local governments. This is not intended to lend Federal support to any one party to the jeopardy of the interests of the other. Rather, it recognizes that in the field of environmental regulation, problems are often shared and the principle of comity between equals often serves the best interests of both."

#### **IV. PRINCIPLES AND PROCEDURES FOR EPA ACTION**

EPA program managers will be guided by the following principles and procedures regarding tribal and state roles in the management of programs to protect reservation environments.

- S** The Agency will follow the principles and procedures set forth in the EPA Policy for the Administration of Environmental Programs on Indian Reservations and the accompanying Implementation Guidance, both signed on November 8, 1984.
- S** The Agency will, in making decisions on program authorization and other matters where jurisdiction over reservation pollution sources is critical, apply federal law as found in the U.S. Constitution, applicable treaties, statutes and federal Indian law. Consistent with the EPA Indian Policy and the interests of administrative clarity, the Agency will view Indian reservations as single administrative units for regulatory purposes. Hence, as a general rule, the Agency will authorize a tribal or state government to manage reservation programs only where that government can demonstrate adequate jurisdiction over pollution sources throughout the reservation. Where, however, a tribe cannot demonstrate jurisdiction over one or more reservation sources, the Agency will retain enforcement primacy for those sources. Until EPA formally authorizes a state or tribal program, the Agency retains full responsibility for program management. Where EPA retains such responsibility, it will carry out its duties in accordance with the principles set forth in the EPA Indian Policy.
- S** Under both authorized and EPA-administered programs for reservations, the Agency encourages cooperation between tribes and states, acting in the spirit of neighbors with a mutual self-interest in protecting the environmental and the health and welfare of the reservation populace. Such cooperation can take many forms, including notification, consultation, sharing of technical information, expertise and personnel, and joint tribal/state programming. While EPA will in all cases be guided by federal Indian law, EPA Indian Policy and its broad responsibility to assure effective protection of human health and the environment, the Agency believes that this framework allows flexibility for a wide variety of cooperative agreements and activities, provided that such arrangements are freely negotiated and mutually agreeable to both tribe and state. The Agency will not act in such a manner as to force such agreements.
- S** The Agency urges states to assist tribes in developing environmental expertise and program capability. The Agency has assisted in funding state environmental programs for two decades, with the result that, today, state governments have a very capable and sophisticated institutional infrastructure to set and enforce environmental standards consistent with local state needs and policies. As the country now moves to develop an infrastructure of tribal institutions to achieve the same goals, state governments can play a helpful and constructive role in helping to develop and support strong and effective tribal institutions. The State of Wisconsin has worked with the Menominee Tribe to develop a joint tribal/state RCRA program that can serve as a model of

mutually beneficial cooperation for other states and tribes.

- S** The Agency urges tribes to develop an Administrative Procedures Act (APA) or other means for public notice and comment in the tribal rule-making process. Many tribes now working with EPA to develop environmental standards and regulatory programs have already taken the initiative in establishing such techniques for obtaining community input into tribal decision-making. Such tribes have enacted APAs and held public meetings to gather input from both Indian and non-Indian residents of the reservation prior to setting tribal environmental standards for their reservations. The Agency generally requires states and tribes to provide for adequate public participation as a prerequisite for approval of state or tribal environmental programs. The Agency believes that public input into major regulatory decisions is an important part of modern regulatory governance that contributes significantly to public acceptance and therefore the effectiveness of regulatory programs. The Agency encourages all tribes to follow the example of those tribes that have already enacted an APA.
- S** Where tribal and State governments, managing regulatory programs for reservation and state areas, respectively, may encounter transboundary problems arising from inconsistent standards, policies, or enforcement activities, EPA encourages the tribal and state governments to resolve their differences through negotiation at the local level. EPA, in such cases, is prepared to act as a moderator for such discussions, if requested. Where a statute such as the Clean Water Act designates a conflict-resolution role for EPA in helping to resolve tribal/state differences, EPA will act in accordance with the statute. Otherwise, EPA will respond generally to such differences in the same manner that EPA responds to differences between states.

## **V. CONCLUSION**

The Agency believes that where an ecosystem crosses political boundaries, effective regulation calls for coordination and cooperation among all governments having a regulatory role impacting the ecosystem. Many differences among tribes and states, like differences among states, are a natural outgrowth of decentralized regulatory programs; these differences are best resolved locally by tribes and states acting out of mutual concern for the environment and the health of the affected populace. EPA actions and decisions made in carrying out its role and responsibilities will be consistent with federal law and the EPA Indian Policy. Within this framework, the Agency is convinced that the environmental quality of reservation lands can be protected and enhanced to the benefit of all.

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November 8, 1984

## **EPA Policy for the Administration of Environmental Programs on Indian Reservations**

### **Introduction :**

The President published a Federal Indian Policy on January 24, 1983, supporting the primary role of Tribal Governments in matters affecting American Indian reservations. That policy stressed two related themes: (1) that the Federal Government will pursue the principle of Indian "self-government" and (2) that it will work directly with Tribal Governments on a "government-to-government" basis.

The Environmental Protection Agency (EPA) has previously issued general statements of policy which recognize the importance of Tribal Governments in regulatory activities that impact reservation environments. It is the purpose of this statement to consolidate and expand on existing EPA Indian Policy statements in a manner consistent with the overall Federal position in support of Tribal "self-government" and "government-to-governments" relations between federal and Tribal Governments. This statement sets forth the principles that will guide the Agency in dealing with Tribal Governments and in responding to the problems of environmental management on American Indian reservations in order to protect human health and the environment. The Policy is intended to provide guidance for EPA program managers in the conduct of the Agency's congressionally mandated responsibilities. As such, it applies to EPA only and does not articulate policy for other Agencies in the conduct of their respective responsibilities.

It is important to emphasize that the implementation of regulatory programs which will realize these principles on Indian Reservations cannot be accomplished immediately. Effective implementation will take careful and conscientious work by EPA, the Tribes and many others. In many cases, it will require changes in applicable statutory authorities and regulations. It will be necessary to proceed in a carefully phased way, to learn from successes and failures, and to gain experience. Nonetheless, by beginning work on the priority problems that exist now and continuing in the direction established under these principles, over time we can significantly enhance environmental quality on reservation lands.

### **Policy:**

In carrying out our responsibilities on Indian reservations, the fundamental objective of the Environmental Protection Agency is to protect human health and the environment. The keynote of this effort will be to give special consideration to Tribal interests in making Agency policy, and to insure the close involvement of Tribal Governments in making decisions and managing environmental programs affecting reservation lands. To meet this objective, the Agency will pursue the following principles:

### **S THE AGENCY STANDS READY TO WORK DIRECTLY WITH INDIAN TRIBAL**

**GOVERNMENTS ON A ONE-TO ONE BASIS (THE "GOVERNMENT - TO - GOVERNMENT" RELATIONSHIP), RATHER THAN AS SUBDIVISIONS OF OTHER GOVERNMENTS.**

EPA recognizes Tribal Governments as sovereign entities with primary authority and responsibility for the reservation populace. Accordingly, EPA will work directly with Tribal Governments as the independent authority for reservation affairs, and not as political subdivisions of States or other governmental units.

**S THE AGENCY WILL RECOGNIZE TRIBAL GOVERNMENTS AS THE PRIMARY PARTIES FOR SETTING STANDARDS, MAKING ENVIRONMENTAL POLICY DECISIONS AND MANAGING PROGRAMS FOR RESERVATIONS, CONSISTENT WITH AGENCY STANDARDS AND REGULATIONS.**

In keeping with the principle of Indian self-government, the Agency will view Tribal Governments as the appropriate non-federal parties for making decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace. Just as EPA's deliberations and activities have traditionally involved the interests and/or participation of State Governments, EPA will look directly to Tribal Governments to play this lead role for matters affecting reservation environments .

**S THE AGENCY WILL TAKE AFFIRMATIVE STEPS TO ENCOURAGE AND ASSIST TRIBES IN ASSUMING REGULATORY AND PROGRAM MANAGEMENT RESPONSIBILITIES FOR RESERVATION LANDS.**

The Agency will assist interested Tribal Governments in developing programs and in preparing to assume regulatory and program management responsibilities for reservation lands. Within the constraints of EPA's authority and resources, this aid will include providing grants and other assistance to Tribes, similar to what we provide State Governments. The Agency will encourage Tribes to assume delegable responsibilities, (i.e. responsibilities which the Agency has traditionally delegated to State Governments for non-reservation lands) under terms similar to those governing delegations to States.

Until Tribal Governments are willing and able to assume full responsibility for delegable programs, the Agency will retain responsibility for managing programs for reservations (unless the State has an expressed grant of jurisdiction from Congress sufficient to support delegation to the State Government). Where EPA retains such responsibility, the Agency will encourage the Tribe to participate in policy-making and to assume appropriate lesser or partial roles in the management of reservation programs.

**S THE AGENCY WILL TAKE APPROPRIATE STEPS TO REMOVE EXISTING LEGAL AND PROCEDURAL IMPEDIMENTS TO WORKING DIRECTLY AND EFFECTIVELY WITH TRIBAL GOVERNMENTS ON RESERVATION PROGRAMS.**

A number of serious constraints and uncertainties in the language of our statutes and regulations have limited our ability to work directly and effectively with Tribal Governments on reservation problems. As impediments in our procedures, regulations or statutes are identified which limit our ability to work effectively with Tribes consistent with this Policy, we will seek to remove those impediments.

**S THE AGENCY, IN KEEPING WITH THE FEDERAL TRUST RESPONSIBILITY, WILL ASSURE THAT TRIBAL CONCERNS AND INTERESTS ARE CONSIDERED WHENEVER EPA'S ACTIONS AND/OR DECISIONS MAY AFFECT RESERVATION ENVIRONMENTS.**

EPA recognizes that a trust responsibility derives from the historical relationship between the Federal Government and Indian Tribes as expressed in certain treaties and Federal Indian Law. In keeping with that trust responsibility, the Agency will endeavor to protect the environmental interests of Indian Tribes when carrying out its responsibilities that may affect the reservations.

**S THE AGENCY WILL ENCOURAGE COOPERATION BETWEEN TRIBAL, STATE AND LOCAL GOVERNMENTS TO RESOLVE ENVIRONMENTAL PROBLEMS OF MUTUAL CONCERN.**

Sound environmental planning and management require the cooperation and mutual consideration of neighboring governments, whether those governments be neighboring States, Tribes, or local units of government. Accordingly, EPA will encourage early communication and cooperation among Tribes, States and local Governments. This is not intended to lend Federal support to any one party to the jeopardy of the interests of the other. Rather, it recognizes that in the field of environmental regulation, problems are often shared and the principle of comity between equals and neighbors often serves the best interests of both.

**S THE AGENCY WILL WORK WITH OTHER FEDERAL AGENCIES WHICH HAVE RELATED RESPONSIBILITIES ON INDIAN RESERVATION TO ENLIST THEIR INTEREST AND SUPPORT IN COOPERATIVE EFFORTS TO HELP TRIBES ASSUME ENVIRONMENTAL PROGRAM RESPONSIBILITIES FOR RESERVATIONS.**

EPA will seek and promote cooperation between Federal agencies to protect human health and the environment on reservations. We will work with other agencies to clearly identify and delineate the roles, responsibilities and relationships of our respective organizations and to assist Tribes in developing and managing environmental programs for reservation lands.



**S THE AGENCY WILL STRIVE TO ASSURE COMPLIANCE WITH ENVIRONMENTAL STATUTES AND REGULATIONS ON INDIAN RESERVATIONS.**

In those cases where facilities owned or managed by Tribal Governments are not in compliance with federal environmental statutes, EPA will work cooperatively with Tribal leadership to develop means to achieve compliance, providing technical support and consultation as necessary to enable Tribal facilities to comply. Because of the distinct status of Indian Tribes and the complex legal issues involved, direct EPA action through the judicial or administrative process will be considered where the Agency determines, in its judgment, that: (1) a significant threat to human health or the environment exists, (2) such action would reasonably be expected to achieve effective results in a timely manner, and (3) the Federal Government cannot utilize other alternatives to correct the problem in a timely fashion.

In those cases where reservation facilities are clearly owned or managed by private parties and there is no substantial Tribal interest or control involved, the Agency will endeavor to act in cooperation with the affected Tribal Government, but will otherwise respond to noncompliance by private parties on Indian reservations as the Agency would to noncompliance by the private sector elsewhere in the country. When the Tribe has a substantial proprietary interest in, or control over, the privately owned or managed facility, EPA will respond as described in the first paragraph above.

**S THE AGENCY WILL INCORPORATE THESE INDIAN POLICY GOALS INTO ITS PLANNING AND MANAGEMENT ACTIVITIES, INCLUDING ITS BUDGET, OPERATING GUIDANCE, LEGISLATIVE INITIATIVES, MANAGEMENT ACCOUNTABILITY SYSTEM AND ONGOING POLICY AND REGULATION DEVELOPMENT PROCESSES.**

It is a central purpose of this effort to ensure that the principles of this Policy are effectively institutionalized by incorporating them into the Agency's ongoing and long-term planning and management processes. Agency managers will include specific programmatic actions designed to resolve problems on Indian reservations in the Agency's existing fiscal year and long-term planning and management processes.

William D. Ruckelshaus

## Regional Contact List Tribal/EPA

Tribal Contacts	Program	Phone	Fax	Address
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Stillwell, Steve Environmental Program Director	Poarch Band of Creek Indians	334/368-9136	334/368-4502	5811 Jack Springs Road Atmore, AL 36502
Cypress, Billy Tribal Chairman	Miccosukee Tribe of Indians of Florida	305/223-8380	305/553-3644	P.O. Box 440021 Miami, FL 33144
Terry, Steve Land Resources Mgr.	Miccosukee Tribe of Indians of Florida	305/223-8380	305/553-3644	P.O. Box 440021 Miami, FL 33144
Billie, James Tribal Chairman	Seminole Tribe of Florida	954/967-3900	954/967-3486	6300 Stirling Road Hollywood, FL 33024
Tepper, Craig D. Director	Seminole Tribe of Florida	954/966-6300	954/967-3489	6300 Stirling Road Hollywood, FL 33024
Kippenberger, Susie Director	Seminole Tribe of Florida	954/966-6300	954/967-3401	6300 Stirling Road Hollywood, FL 33024
Martin, Phillip Tribal Chief	Mississippi Band of Choctaws	601/656-5251	601/656-7333	P.O. Box 6010 Philadelphia, MS 39350
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Murphy, Calvin Director	Eastern Band of Cherokee Indians	828/497-5555	828/497-3615	P.O. Box 547 Cherokee, NC 28719
Childers, Dannie	Eastern Band of Cherokee Indians	828/497-3814	828/497-3615	P.O. Box 547 Cherokee, NC 28619
Blue, Gilbert Chief	Catawba Indian Nation	803/366-4792	803/366-9150	P.O. Box 188 Catawba, SC 29709
George, Lewis B. Director	Catawba Indian Nation	803/366-4792	803/366-8380	P.O. Box 188 Rock Hill, SC 29704

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Fields, Sherri Chief, Accountability Management Branch	EPA, EAD	404/562-9684	404/562-9598	61 Forsyth St. Atlanta, GA 30303
Robertson, Mark Regional Indian Program Coordinator	EPA, EAD	404/562-9639	404/562-9487	61 Forsyth St. Atlanta, GA 30303
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Raines, Connie Environmental Justice Office	EPA, EAD	404/562-9671	404/562-9664	61 Forsyth St. Atlanta, GA 30303
Love, Gloria Grants Project Officer	EPA, EAD	404/562-9672	404/562-9672	61 Forsyth St. Atlanta, GA 30303
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Banks, Brenda Coordinator	OPM	404/562-8420	404/562-8413	61 Forsyth St. Atlanta, GA 30303
Hartnett, Mickey Coordinator	Waste Management Division	404/562-8661	404/562-8628	61 Forsyth St. Atlanta, GA 30303
Palmer, Darren Coordinator	APT Division	404/562-9052	404/562-9095	61 Forsyth St. Atlanta, GA 30303
Salguero, Louis	SESD	706/355-8732	706/355-8744	61 Forsyth St. Atlanta, GA 30303
	<b>PROGRAM CONTACTS</b>			
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Bartlett, Andrew	EPA, SDWA	404/562-9478	404/562-9439	61 Forsyth St. Atlanta, GA 30303

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Blakely, Lashon	CWA 106 & 104 Grants	404/562-9276	404/562-8692	61 Forsyth St. Atlanta, GA 30303
Bokey, Bill	SESD Training	706/355-8604	706/355-8744	61 Forsyth St. Atlanta, GA 30303
Bonds, Jackye	Wellhead Protection	404/562-9448	404/562-9439	61 Forsyth St. Atlanta, GA 30303
Bowers, Vera	CAA Grants	404/562-9053	404/562-9019	61 Forsyth St. Atlanta, GA 30303
Brooks, Patsy	Radon	404/562-9145	404/562-9095	61 Forsyth St. Atlanta, GA 30303
Brown, Rosalind	Waste Division, EJ Initiatives	404/562-8633	404/562-8628	61 Forsyth St. Atlanta, GA 30303
Callender, Rock	SARA III	404/562-9186	404/562-9163	61 Forsyth St. Atlanta, GA 30303
Cooper, Robert	GPRA	404/562-8281	404/562-8269	61 Forsyth St. Atlanta, GA 30303
Duperray, Bernie	Solid Waste RCRA Subtitle D	404/562-8675	404/562-8439	61 Forsyth St. Atlanta, GA 30303
Froneberger, Dale	Wellhead Protection	404/562-9446	404/562-9439	61 Forsyth St. Atlanta, GA 30303
Gala, Chetan	NPDES Enforcement	404/562-9746	404/562-9728	61 Forsyth St. Atlanta, GA 30303
Hartnett, Mickey	Waste Division - Brownsfields, AIAC	40/562-8661	404/562-8628	61 Forsyth St. Atlanta, GA 30303
Hayes, Bernie	Pollution Prevention and Toxics	404/562-8381	404/562-8269	61 Forsyth St. Atlanta, GA 30303
Hopkins, Marion	Radon	404/562-9144	404/562-9095	61 Forsyth St. Atlanta, GA 30303
Huey, Joel	Air Program	404/562-9104	404/562-9095	61 Forsyth St. Atlanta, GA 30303
Hunter, Fred	Coordinator - SRF Indian Setaside CWA/SDWA Funds	404/562-9477	404/562-9439	61 Forsyth St. Atlanta, GA 30303
Lankford, Stephanie	Grants Specialist	404/562-8423	404/562-8413	61 Forsyth St. Atlanta, GA 30303

Middlebrooks, Gail	Hazardous Waste RCRA Subtitle C	404/562-8494	404/562-8439	61 Forsyth St. Atlanta, GA 30303
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Roper, Elisa	CAMEO Training	404/562-9174	404/562-9163	61 Forsyth St. Atlanta, GA 30303
Simonson, Davy	Tribal Solid Waste Coordinator	404/562-8457	404/562-8439	61 Forsyth St. Atlanta, GA 30303
Taber, Rock	GIS	404/562-8011	404/562-8053	61 Forsyth St. Atlanta, GA 30303
Thomas, Chris	Source Water Protection	404/562-9459	404/562-9439	61 Forsyth St. Atlanta, GA 30303
Wellborn, Floyd	Storm Water Permitting	404/562-9296	404/562-8692	61 Forsyth St. Atlanta, GA 30303
Zimmerman, Eve	Water Quality Standards	404/562-9259	404/562-9224	61 Forsyth St. Atlanta, GA 30303